

IN RE: PETITION FOR ZONING VARIANCE  
SE/S W. Kingston Park Lane,  
110' +/- SE of W. Kingsway Road  
(62 W. Kingston Park Lane)  
15th Election District  
5th Councilmanic District  
William Paul Gray  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-371-A

MEMORANDUM AND ORDER

The Petitioner herein requests a variance to permit an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, as more particularly shown in Petitioner's Exhibit 1.

The Petitioner, William Paul Gray, appeared and testified. Also appearing on behalf of the Petitioner was Robert Sachs of Anthony Swimming Pools. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 10.5, is currently improved with a one-story frame dwelling with an enclosed front porch. The front of the property abuts Middle River. Mr. Gray testified that the property is strictly used as a summer home and that he now proposes constructing an inground swimming pool. Due to the location of the existing dwelling, shed and driveway, the proposed swimming pool cannot be located in the rear yard as required. Mr. Gray testified that he advised his neighbors on both sides of his plans and they indicated they have no objection to the requested variance.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in

March 15, 1988

Mr. William P. Gray  
1629 Weyburn Road  
Baltimore, Maryland 21237

RE: Petition for Zoning Variance  
SE/S W. Kingston Park Lane, 110' +/- SE of W. Kingsway Road  
15th Election District; 5th Councilmanic District  
Case No. 88-371-A

Dear Mr. Gray:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMW:bjs

Enclosures

cc: People's Counsel

File

practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1988 that an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated January 21, 1988, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd  
Bldg. Md. 21221

Feb. 15, 1988

THIS IS TO CERTIFY, that the annexed advertisement of PROPOSED ZONING VARIANCE, TO 371-A SE/S WEST KINGSTON PARK LANE, 110' +/- SE OF WEST KINGSWAY ROAD, 15TH ELECTION DISTRICT, PETITIONER: WILLIAM PAUL GRAY, HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 am 8a times at \$46.20

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one

successive weeks before the 15th day of Feb. 1988 at 19 88 that is to say, the same was inserted in the issues of 2/15/88 and 2/22/88

The Avenue Inc.  
per publisher

William Paul Gray  
SE/S West Kingston Park Lane, 110' +/- SE  
of West Kingsway Road  
15th E.D.

Notice of Hearing  
The Zoning Commission, of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property of William Paul Gray, located at 371-A SE/S West Kingston Park Lane, 110' +/- SE of West Kingsway Road, 15th Election District, 5th Councilmanic District, on Friday, March 11, 1988 at 11:00 a.m. The purpose of the hearing is to receive testimony and evidence from the Petitioner and any Protestants. The Petitioner is hereby notified that if he fails to appear at the hearing, the Commission may proceed with the hearing in his absence. The Commission may also proceed with the hearing in the absence of any Protestants. The Commission may also proceed with the hearing in the absence of any Protestants. The Commission may also proceed with the hearing in the absence of any Protestants.

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 15, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 15, 1988

THE JEFFERSONIAN,

Sharon Sanders Oberholt  
Publisher

8 32.18

NOTICE OF HEARING  
The Zoning Commission, of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property of William Paul Gray, located at 371-A SE/S West Kingston Park Lane, 110' +/- SE of West Kingsway Road, 15th Election District, 5th Councilmanic District, on Friday, March 11, 1988 at 11:00 a.m. The purpose of the hearing is to receive testimony and evidence from the Petitioner and any Protestants. The Petitioner is hereby notified that if he fails to appear at the hearing, the Commission may proceed with the hearing in his absence. The Commission may also proceed with the hearing in the absence of any Protestants. The Commission may also proceed with the hearing in the absence of any Protestants.

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (swimming pool) in the front yard in lieu of the required rear yard.

THERE IS NO ROOM AT REAR OF HOUSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

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Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

January 11, 1988



Re: Property Owner: William P. Gray (critical area)  
Location: Se/S W. Kingston Park La., 1100' +/- SE of W. Kingsway Rd.  
Item No.: 227 Zoning Agenda: Meeting of 12/29/87

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Date: \_\_\_\_\_  
Special Inspection Division

1/31

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner

Date: February 22, 1988

P. David Fields  
FROM: Director of Planning and Zoning  
Zoning Petition Nos. 88-367-A, 88-369-A,  
88-370-A, 88-344-A, 88-345-A,  
88-371-A, 88-372-A, 88-373-A, 88-374-A

SUBJECT: 88-346-A, 88-351-SPHX, 88-353-X, 88-371-A

RECEIVED  
MAR 1 1988  
ZONING OFFICE

There are no comprehensive planning factors requiring comment on this petition.

*[Signature]*  
P. David Fields  
Director

PDF:dm

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

CPS-008

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. William Paul Gray  
1629 Weyburn Road  
Baltimore, Maryland 21237

RE: Item No. 227 - Case No. 88-371-A  
Petitioner: William Paul Gray  
Petition for Zoning Variance

Dear Mr. Gray:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*[Signature]*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kdb

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3554

February 18, 1988



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 224, 225, 227, 228, 229, 230 and 231.

Very truly yours,

*[Signature]*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/pul-b

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

1/21/88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 227, Zoning Advisory Committee Meeting of December 29, 1987

Property Owner: William Paul Gray District: 15

Location: 615 W. Kingston Park Lane

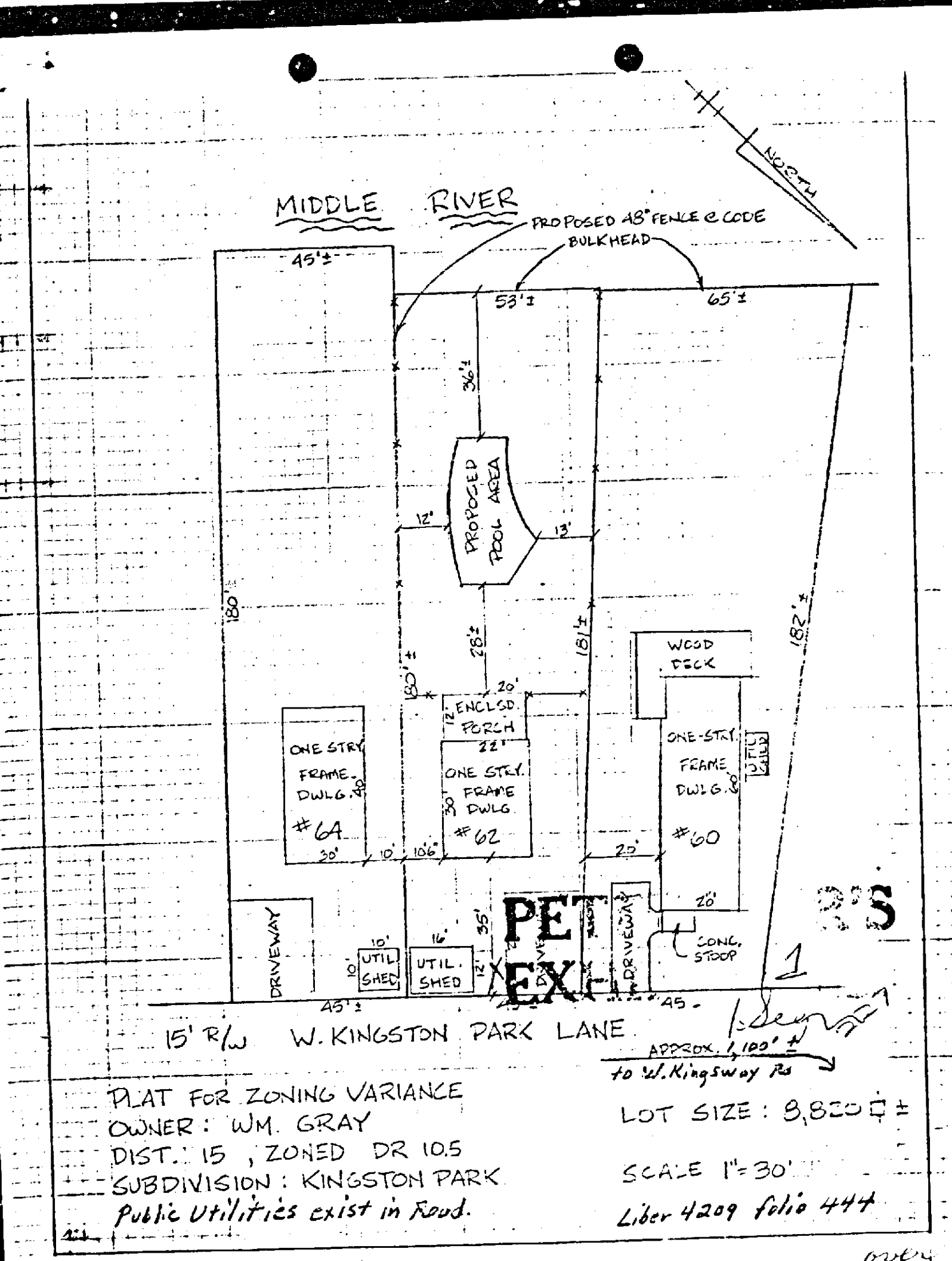
Water Supply: metre Sewage Disposal: metre

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of National Community Services, for final review and approval.
- ( ) Prior to new installations of fuel storage equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installations before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which releases into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any chertroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of National Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly vented. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_ must be \_\_\_\_\_ conducted.
- ( ) The results are valid until \_\_\_\_\_
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until ( ) is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Other: See *[Signature]* correspondence to Zoning Commissioner dated January 14, 1988

*[Signature]*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT



## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines  
TO: Zoning Commissioner

Date: January 15, 1988

FROM: Mr. Robert W. Sheesley

Chesapeake Bay Critical Area Finding -  
SUBJECT: William Paul Gray

In accordance with Section 8-1813 Prior Project approval of the Chesapeake Bay Critical Area law the proposed development will comply with the terms of Section 8-1813 for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

- 1) One major deciduous tree or two trunks of two major deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 1,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous tree cover 500 square feet.
- 2) Storm water run-off from impervious surfaces associated with this petition should be directed to pervious areas such as lawns to encourage maximum infiltration.

*[Signature]*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWC:lpf

88-371-A

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 7th day of January, 1988.

*[Signature]*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: William Paul Gray  
Petitioner's Attorney

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

CPS-008